2007 DRAFTING REQUEST

Bill

Received: 11/09/2006					Received By: csundber			
Wanted: As time permits				Identical to LRB:				
For: Mar	lin Schneider	(608) 266-021	5		By/Representing:			
This file i	nay be shown	to any legislato	r: NO		Drafter: csundber			
May Cont	tact:				Addl. Drafters:			
Subject:	Trade F	Regulation - oth	ier		Extra Copies:			
Submit vi	Submit via email: YES							
Requester	's email:	Rep.Schnei	der@legis.v	wisconsin.go	V			
Carbon co	opy (CC:) to:	christopher	.sundberg@	@legis.wisco	nsin.gov			
Pre Topi	c:							
No specif	ïc pre topic gi	ven						
Topic:			TO THE STATE OF TH					
Do not ca	Do not call: threats by telemarketers, list expiration							
Instructi	ons:							
Redraft 2005 AB 415								
Drafting	History:		***************************************					
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	csundber 11/10/2006	lkunkel 11/14/2006					State Crime	
/1			rschluet 11/14/2006	6	lparisi 11/14/2006	sbasford 11/15/2006		
FE Sent F	for: at in	FUG		<end></end>				

2007 DRAFTING REQUEST

Bill

Receive	d: 11/09/2006				Received by. cs	unaber			
Wanted: As time permits For: Marlin Schneider (608) 266-0215 This file may be shown to any legislator: NO					Identical to LRB: By/Representing: Drafter: csundber				
May Co	ntact:				Addl. Drafters:				
Subject: Submit	Trade I	Regulation - ot	her		Extra Copies:				
Request	er's email:	Rep.Schne	ider@legis	.wisconsin.go	v				
Carbon	copy (CC:) to:	christophe	r.sundberg	@legis.wisco	nsin.gov				
Pre To	pic:								
No spec	ific pre topic gi	ven							
Topic:							*		
Do not	call: threats by t	elemarketers, l	ist expiratio	n					
Instruc	tions:	:							
Redraft	2005 AB 415					•			
Draftin	g History:								
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	Required		
/?	csundber 11/10/2006	lkunkel 11/14/2006					State Crime		
/1			rschluet 11/14/20	06	lparisi 11/14/2006				

FE Sent For:

2007 DRAFTING REQUEST

Bill

Received: 11/09/2006	Received By: csundber
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Wanted: As time permits Identical to LRB:

For: Marlin Schneider (608) 266-0215 By/Representing:

This file may be shown to any legislator: **NO**Drafter: **csundber**

May Contact: Addl. Drafters:

Subject: Trade Regulation - other Extra Copies:

Submit via email: YES

Requester's email: Rep.Schneider@legis.wisconsin.gov

Carbon copy (CC:) to: christopher.sundberg@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topie:

Do not call: threats by telemarketers, list expiration $\sqrt{}$

Instructions:

Redraft 2005 AB 415

Drafting History:

<u>Vers.</u> <u>Drafted</u> <u>Reviewed</u> <u>Typed</u> <u>Proofed</u> <u>Submitted</u> <u>Jacketed</u> <u>Required</u>

/? csundber / MK 11/14 / _____

FE Sent For:

<END>

lu: 11/10/06

₹ 2005 – 2006 LEGISLATURE

0650/₁
LRB-1202/1
CTS:lmk/if

2005 ASSEMBLY BILL 415

(Note

May 10, 2005 – Introduced by Representatives Schneider, Lehman, Pridemore, Ainsworth, Seidel, Albers and Trayle, cosponsored by Senators Darling and Taylor. Referred to Committee on Energy and Utilities.

1 AN ACT *to amend* 100.52 (1) (d), 100.52 (1) (f), 100.52 (2) (b) and 100.52 (10) (a);

2 and *to create* 100.52 (1) (bm), 100.52 (4) (a) 4. and 100.52 (10) (c) of the statutes;

relating to: certain telephone solicitations and creating a penalty.

Y Analysis by the Legislative Reference Bureau

Current law imposes certain restrictions upon telephone solicitors, including the following: (1) a telephone solicitor may not make a telephone solicitation to a residential customer if the residential customer's telephone number is included in a directory of residential customers who do not wish to receive telephone solicitations (directory); (12) a telephone solicitor may not make a telephone solicitation to a nonresidential customer who has provided notice to the telephone solicitor by mail that the nonresidential customer does not wish to receive telephone solicitations.

Under current law, the definitions of residential customer and nonresidential customer do not include mobile telephone customers. This bill broadens the definitions of residential customer and nonresidential customer to include persons who have commercial mobile service. As a result, under the bill, cellular telephone numbers may be included in the directory and telephone solicitors may not make telephone solicitations to such cellular telephone numbers. Also under the bill, a nonresidential cellular telephone customer may provide notice by mail to a telephone solicitor that the nonresidential customer does not wish to receive telephone solicitations.

Current law also requires a residential customer who does not wish to receive telephone solicitations to provide biennial notice to the Department of Agriculture,

and

3

ASSEMBLY BILL 415

Trade and Consumer Protection (DATCP). DATCP must eliminate a customer who fails to give the required notice from the directory. The bill extends the length of time for which a residential customer's notice to DATCP remains effective: under the bill, a residential customer must provide the required notice every five years.

Finally, the bill prohibits a telephone solicitor or an employee or contractor of a telephone solicitor from threatening violence or harassment against the recipient of a telephone solicitation, against a member of the recipient's household, or against the recipient's property. A telephone solicitor, employee, or contractor who violates this prohibition with intent to frighten, intimidate, threaten, abuse, or harass may be sentenced to a term of imprisonment of not more than three years and six months, a fine of not more than \$10,000, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1

1	SECTION 1. 100.52 (1) (bm) of the statutes is created to read:
2	100.52 (1) (bm) "Commercial mobile service" has the meaning given in s. 196.01
3	(2i). •
4	Section 2. 100.52 (1) (d) of the statutes is amended to read:
5	100.52 (1) (d) "Nonresidential customer" means a person, other than a
6	residential customer, who is furnished with telecommunications service or
7	commercial mobile service by a telecommunications utility.
8	SECTION 3. 100.52 (1) (f) of the statutes is amended to read:
9	100.52 (1) (f) "Residential customer" means an individual who is furnished
10	with basic local exchange service or commercial mobile service by a
11	telecommunications utility, but does not include an individual who operates a
12	business at his or her residence.
13	REF SECTION 4. 100.52 (2) (b) of the statutes is amended to read:

ASSEMBLY BILL 415

	100.52 (2) (b) The department shall promulgate rules for establishing,
n	naintaining, and semiannually updating a directory that includes listings of
r	esidential customers who do not wish to receive telephone solicitations made on
b	ehalf of telephone solicitors. The rules promulgated under this paragraph shall
e	stablish requirements and procedures for a residential customer to request a listing
iı	n the directory. The rules shall also require a residential customer who requests a
11	isting in the directory to notify the department on a biennial basis every 5 years if
ť	he residential customer wishes to continue to be included in the directory. The
d	epartment shall eliminate a residential customer from the directory if the customer
d	oes not make the biennial notification <u>required by this paragraph</u> .
	Section 5. 100.52 (4) (a) 4. of the statutes is created to read:
	100.52 (4) (a) 4. Threaten violence or harassment against the recipient of a
te	elephone solicitation, against the a member of the recipient's household, or against
tl	he recipient's property. 🗸
F	SECTION 6. 100.52 (10) (a) of the statutes is amended to read:
	100.52 (10) (a) Except as provided in par. (b) <u>and (c)</u> , a person who violates this
S	ection may be required to forfeit \$100 for each violation.
	Section 7. 100.52 (10) (c) of the statutes is created to read:
	100.52 (10) (c) A telephone solicitor or an employee or a contractor of a
te	elephone solicitor who, with intent to frighten, intimidate, threaten, abuse, or
h	arass, violates sub. (4) (a) 4., is guilty of a Class I felony.
	Section 8. Effective date.
	(1) This act takes effect on the first day of the 4th month beginning after
p	ublication. V
	(END)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0650/1dn CTS:.....

(date)

Rep. Schneider:

This is a redraft of 2005 AB 415.

Christopher T. Sundberg Legislative Attorney Phone: (608) 266–9739 E-mail: christopher.sundberg@legis.wisconsin.gov

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0650/1dn CTS:lmk:rs

November 14, 2006

Rep. Schneider:

This is a redraft of 2005 AB 415.

Christopher T. Sundberg Legislative Attorney Phone: (608) 266–9739 E-mail: christopher.sundberg@legis.wisconsin.gov

Duerst, Christina

From:

Schneider, Marlin

Sent:

Wednesday, November 15, 2006 9:03 AM

To:

Subject:

LRB.Legal
Draft Review: LRB 07-0650/1 Topic: Do not call: threats by telemarketers, list expiration

Please Jacket LRB 07-0650/1 for the ASSEMBLY.